

Translation

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IP 1506	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007129	International filing date (day/month/year) 12 juin 2003 (12.06.2003)	Priority date (day/month/year) 13 juin 2002 (13.06.2002)
International Patent Classification (IPC) or national classification and IPC B66B 13/14		
Applicant	INVENTIO AG	

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the International application
- VIII  Certain observations on the International application

Date of submission of the demand 13 janvier 2004 (13.01.2004)	Date of completion of this report 03 September 2004 (03.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/EP2003/007129

## I. Basis of the report

1. With regard to the elements of the international application:<sup>\*</sup> the international application as originally filed the description:

pages \_\_\_\_\_ 1-14

, as originally filed  
pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the claims:pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19), filed with the demand  
pages \_\_\_\_\_ 1-12, filed with the letter of 09 August 2004 (09.08.2004)

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the drawings:pages \_\_\_\_\_ 1/3 - 3/3, as originally filed  
pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is: the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages \_\_\_\_\_ the claims, Nos. \_\_\_\_\_ the drawings, sheets/fig. \_\_\_\_\_5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).<sup>\*\*</sup>

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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- V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

## 1. Statement

Novelty (N)

Claims \_\_\_\_\_ YES

Claims \_\_\_\_\_ NO

Inventive step (IS)

Claims \_\_\_\_\_ YES

Claims \_\_\_\_\_ NO

Industrial applicability (IA)

Claims \_\_\_\_\_ YES

Claims \_\_\_\_\_ NO

## 2. Citations and explanations

See supplemental sheet.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

## 2. Citations and explanations

1. Reference is made to the following document:

D1: US 4 872 532 A (TOBITA TOSHIMITSU ET AL)  
10 October 1989 (1989-10-10).

2. The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step as defined in PCT Article 33(3).

Document D1 describes (the references between parentheses apply to D1):

a remote state-reading system including a communication network (6), a central control unit (1) connected to said communication network (6), and a plurality of peripherals (3a to 3x) connected to said control unit (1) by means of said network (6), wherein each peripheral (3a to 3x) continuously adopts an instantaneous state from a plurality of possible states, and said control unit (1) regularly scans said peripherals (3a to 3x) in order to read the instantaneous state thereof (column 5, line 42)

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to column 6, line 25), characterised in that said communication network (6) connects said peripherals (3a to 3x) to said control unit (1) by means of an electromagnetic induction channel (301), and in that said peripherals (3a to 3x) are electrically powered via said communication network (6) (figure 4; column 7, lines 8-29).

It follows that the subject matter of claim 1 differs from this known remote state-reading system in that the communication network connects the peripherals to the control unit by means of a radio frequency channel.

The feature whereby the communication network connects the peripherals to the control unit by means of a radio frequency channel is merely one of a plurality of obvious options (radio frequency or electromagnetic induction) that a person skilled in the art might select, depending on each particular case, without an inventive step being involved.

The subject matter of claim 1 is not, therefore, inventive (PCT Article 33(1) and 33(3)).

3. Dependent claims 2-12 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirement of inventive step, for the following reasons:

claim 2: see D1, figures 4 and 10; column 7, lines 27-28;

claim 3: see D1, column 6, lines 5-25; in a lift (elevator) system, it is obvious for the

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lift (elevator) control unit to know the location of the floors;  
claim 4: see D1, figure 4; column 7, lines 8-28;  
claim 5: see D1, figure 4; column 6, lines 5-66;  
column 7, lines 8-28;  
claim 6: see D1, figure 4; column 5, line 42 to  
column 6, line 25;

Claim 7 defines a slight structural modification to the device described in any one of claims 4 to 6. This modification is routine practice to a person skilled in the art and the resulting advantages are easily foreseeable. As a result, the subject matter of claim 7 likewise does not involve an inventive step.

claim 8: see D1, figure 4; column 7, lines 8-28;  
claim 9: see D1, figure 1; column 5, line 42 to  
column 6, line 25;  
claim 10: the subject matter of claim 10 is similar to the subject matter of claim 9. Claim 10 merely uses alternative wording.  
claim 11: see D1, figure 4, column 5, line 42 to  
column 6, line 25;  
claim 12: see D1, figures 1 and 4; column 5, line 42 to column 6, line 25.

It follows that the subject matter of claims 2-12 is not inventive (PCT Article 33(3)).

4. Additional observations:

4.1 Dependent claims 2 and 5 are not clear (PCT Article 6). Said claims refer to a plurality of electromagnetic induction loops, yet the

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communication network connects the peripherals to the control unit by means of a **radio frequency** channel.

- 4.2 Contrary to the requirements of **PCT Rule 5.1(a)(ii)**, the description does not indicate the relevant prior art disclosed in document D1, nor does it cite said document.